

Claims 1-4, 8-9 and 22 non-obvious and are patentable. The features of the invention as a whole would not have been obvious at the time the invention was made to a person having ordinary skill in the art to which the invention pertains.

#### CLAIM REJECTIONS –35 USC § 103

**Claims 1-2 and 8-9 would not have been obvious from and are patentable over Ryll.**

Regarding claim 1, the Examiner has stated that Ryll does not disclose a plurality of light emitting diodes on the glasses or a plurality of photosensors on the glasses. It would not have been obvious for a person of ordinary skill in the art to conclude that the infrared phototransistors and infrared detector module of Ryll were analogous to the Applicant's light emitting diodes and photosensors.

Nothing in Ryll would have suggested: (as set forth in claim 1)

- a plurality of light emitting diodes on the glasses for emitting light onto a surface;
- a plurality of photosensors on the glasses for receiving reflected light;
- electronic circuitry on the glasses and connected to the plurality of photosensors.

There is a difference between a plurality of light emitting diodes and a single phototransistor. Contrary to what the Examiner states, phototransistors and light emitting diodes are not equivalents. The use of a plurality of light emitting diodes and photosensors is distinct from the use of a single phototransistor and detector module as disclosed in Ryll. Ryll states that a phototransistor is used, there is no mention of using more than one phototransistor. There is no motivation provided in Ryll or any other references that would indicate that multiple phototransistors were considered. Infrared phototransistors and light emitting diodes have distinct properties that are useful in different applications. The two are not necessarily interchangeable. Phototransistors and light emitting diodes are not equivalent devices and as

such, it would not have been obvious to substitute a plurality of light emitting diodes for a single phototransistor.

Further, there is no indication in Ryll that multiple infrared detector modules were contemplated. Infrared detector modules are not interchangeable with photosensors in all applications. Moreover, the use of multiple photosensors is distinct from the use of a single infrared detector.

The Examiner has provided no evidence that light emitting diodes and photosensors are well known in the art as being substitutes for infrared phototransistors and infrared detector modules. As such, it would not be obvious for Applicant's light emitting diodes and photosensors to replace the devices in Ryll.

Nothing would have suggested "...a display on lenses of the glasses for indicating a sensed condition of a user" as set forth in claims 8 and 9.

Ryll's display 48 is not on lenses of glasses.

Regarding claims 2, 8 and 9. It has been shown that it would not have been obvious to change the configuration of the detection system. Therefore, Ryll would not have made the independent claim 1 and dependent claims 2, 8 and 9 obvious.

**Claims 3-4 would not have been obvious from and are patentable over Ryll and Vogt.**

Nothing in Ryll would have suggested "...at least one solar cell" as in claims 3 and 4.

Regarding claim 3, the Applicant's invention is patentable over Ryll in view of Vogt. As shown above, independent claim 1 is patentable over Ryll. Further, Ryll does not disclose the use of a solar power cell in connection with the glasses. Ryll makes no reference to a power source other than a standard battery power supply installed in a battery housing.

There is no motivation in the prior art to combine Ryll with Vogt. The use of solar power cells for monitoring heart conditions is never mentioned the Ryll device discusses no alternatives to battery power sources are alluded to. The glasses of the Vogt reference were designed for intermittent use as sunglasses by individuals exercising outside. Vogt makes no claims as to monitoring any body statistics. There would be no motivation to wear the Vogt sunglasses while exercising indoors. Ryll on the other hand, is a device meant primarily for the monitoring of body statistics by athletes, while training in a variety of conditions both indoors and out. Ryll does not anticipate that all users will be exposed to sunlight while training and thus does not provide for solar power supplies. Due to the intended uses of the two devices, there is no motivation to combine the Ryll and Vogt references as the Examiner suggests.

**Claim 22 would not have been obvious from and is patentable over Ryll.**

Nothing in Ryll would have rendered obvious:

- emitting light onto a surface of a user by a plurality of light emitting diodes on the glasses;
  - receiving reflected light by a plurality of photosensors on the glasses;
  - determining changes in the amount of reflected light received by the photosensors;
  - transmitting a signal corresponding to the change in reflected light from the photosensors to circuitry on the glasses;
  - determining a user's condition by measuring changes in the signals received by the circuitry;
- as set forth in claim 22.

Regarding claim 22, the Examiner has stated that Ryll does not disclose a plurality of light emitting diodes on the glasses or a plurality of photosensors on the glasses. It would not

have been obvious for a person of ordinary skill in the art to conclude that the infrared phototransistors and infrared detector module of Ryll were analogous to the Applicant's light emitting diodes and photosensors.

There is a difference between a plurality of light emitting diodes and a single phototransistor. Contrary to what the Examiner states, phototransistors and light emitting diodes are not equivalents. The use of a plurality of light emitting diodes and photosensors is distinct from the use of a single phototransistor and detector module as disclosed in Ryll. Ryll states that a phototransistor is used; there is no mention of using more than one phototransistor. There is no motivation provided in Ryll or any other references that would indicate that multiple phototransistors were considered. Infrared phototransistors and light emitting diodes have distinct properties that are useful in different applications. The two are not necessarily interchangeable. Phototransistors and light emitting diodes are not equivalent devices and as such, it would not have been obvious to substitute a plurality of light emitting diodes for a single phototransistor.

Further, there is no indication in Ryll that multiple infrared detector modules were contemplated. Infrared detector modules are not interchangeable with photosensors in all applications. Moreover, the use of multiple photosensors is distinct from the use of a single infrared detector.

The Examiner has provided no evidence that light emitting diodes and photosensors are well known in the art as being substitutes for infrared phototransistors and infrared detector modules. As such, it would not be obvious for Applicant's light emitting diodes and photosensors to replace the devices in Ryll.

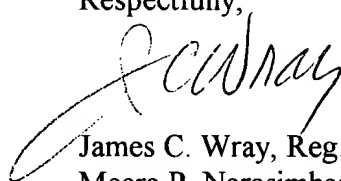
Nothing in the prior art would have made obvious the invention as claimed.

Each of claims 1-4, 8, 9 and 22 point out features that would not have been obvious from the prior art.

### CONCLUSION

Reconsideration and allowance of all claims are respectfully requested.

Respectfully,

A handwritten signature in black ink, appearing to read "J. C. Wray", written over the printed name.

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Date: February 12, 2003